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Rochelle Lieberman

PATENT

Atty Docket No.: BEA9-2001-0009-US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Bower
SERIAL NO.: 09/898,978
FILING DATE: July 2, 2001
FOR: Method Of Launching Low-
Priority Tasks

Group Art Unit: 2127

Examiner: Vo, Lilian

Letter Regarding Premature Final Rejection

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Final Office Action dated April 13, 2005, Applicant respectfully requests reconsideration of the finality status placed on the application. The Response to the First Office Action did not contain an amendment of any of the pending claims, and did not include any additional claims. However, in the Second Office Action, the Examiner for the first time raises an issue with the structure of the claims. "Under present practice, second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p)." MPEP §706.07(a). Following receipt of the Second Office Action, Applicant's Attorney telephoned the Examiner on April 26,